

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

TROY E. TILLERSON,

Plaintiff,

vs.

THE MEGA LIFE AND HEALTH  
INSURANCE CORPORATION, a  
corporation; TRANSAMERICA LIFE  
INSURANCE COMPANY F/K/A PFL  
LIFE INSURANCE COMPANY, a  
corporation; NATIONAL ASSOCIATION  
FOR THE SELF EMPLOYED A/K/A  
NASE, a corporation,

Defendants.

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CASE NO. 3:05-cv-985-MEF

**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S STATE LAW  
CLAIMS, CLAIMS FOR PUNITIVE OR EXTRA CONTRACTUAL  
DAMAGES, AND JURY DEMAND**

COME NOW, Defendants in the above-styled action, and respectfully move that the Court strike Plaintiff's state law claims, claims for punitive or extracontractual damages, and jury demand, because the Plaintiff's allegations focus on his Certificate of Insurance, which is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.* as an employee welfare benefit plan, and ERISA preempts state causes of action. A memorandum of law filed by Defendants contemporaneously herewith supports this motion.

*s/Pamela A. Moore*

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2006, the foregoing document was electronically filed with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to the following:

Steven W. Couch, Esq.  
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*s/Pamela A. Moore*

COUNSEL